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September 24, 2024

Honorable Judge Lara K. Eshkenazi
United States District Court, E.D.N.Y.
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Ideal Vitamins Inc. v. Redcon1, LLC, No. 1:23-cv-01263-FB-TAM

Honorable Judge Eshkenazi:

The undersigned represents the Defendant, Redcon 1, LLC, in the above referenced matter.

We respectfully point to the Order issued by this Court on August 6, 2024, setting the in-person status conference for September 17, 2024 at 11:30am. The Order stated that if Plaintiff fails to appear with counsel, the Court will recommend that Plaintiff's claims be dismissed for failure to prosecute.

The Plaintiff was previously directed by this Court to obtain new counsel and file a Notice of Appearance by July 23, 2024 per the Court's Order issued on June 11, 2024. On July 25, 2024, Defendant notified the Court that no new counsel was obtained by Plaintiff [DE 32].

Most recently, Plaintiff's new counsel appeared and requested an extension per DE 39, dated September 10th, as it was still awaiting discovery from its predecessor counsel. The Court moved the in-person hearing date from September 17th to October 1st per its Order issued on September 12, 2024. Please note that Defendant's undersigned has a conflict on the date of the current in-person status conference and would respectfully request a different date. I am not available to appear during September 30, 2024 - October 4, 2024.

Today, Plaintiff's counsel advised that they have "received part of their predecessor's file." Respectfully, we would request that if Plaintiff's new counsel has been unable to receive prior case information and the case file from Tarter Krinsky, that Tarter Krinsky be ordered to also appear and show cause as to why they are unable to give the file to their former client. Our clients keep incurring fees and costs for this case that is not being advanced by Plaintiff and their current and prior attorneys.

Should the Court require any further information, or any matter it deems relevant, the parties shall remain as so Ordered.

Respectfully submitted,

Cory J. Rosenbaum

Cory J. Rosenbaum, Esq.